

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**ANTHONY SCOTT WHITE,**

**Plaintiff,**

**v.**

**UNKNOWN WARDEN, ET AL.,**

**Defendants.**

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**Case No. 5:23-cv-146-RWS-JBB**

**ORDER OF DISMISSAL**

Plaintiff Anthony Scott White, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

On January 2, 2024, the Magistrate Judge ordered Plaintiff to pay the statutory filing fee or submit an application for leave to proceed *in forma pauperis* accompanied by a certified inmate account data sheet, as required by 28 U.S.C. § 1915(a)(2). Docket No. 4. A copy of a standard *in forma pauperis* application form was sent to Plaintiff for his use.

By separate order, the Magistrate Judge ordered Plaintiff to file an amended complaint setting out a short and plain statement of his claims, as required by Fed. R. Civ. P. 8. Docket No. 5. The order provided guidance to Plaintiff in filing his amended complaint, specifying that he should include a concise statement of his claims, including dates if known; the individual or individuals whom Plaintiff wished to sue; a statement showing how each named Defendant is involved in the facts forming the basis of the claim; the harm suffered as a result of the facts forming the basis of the claim; the specific relief sought; and a statement of whether or not Plaintiff had exhausted his administrative remedies. *See id.*

When Plaintiff did not comply with these orders, the Magistrate Judge issued a Report on February 27, 2024, recommending dismissal of the lawsuit without prejudice. Docket No. 11. The Magistrate Judge observed that Plaintiff had filed a number of documents but none of these comprised a short and plain statement of his claims or could serve as the operative pleading in the case. *Id.* at 1. Although Plaintiff stated that he had \$53.85, he did not furnish an application for leave to proceed *in forma pauperis* or an inmate account data sheet. *See id.* at 1–2. The Magistrate Judge also recommended that the statute of limitations be suspended for 60 days following the date of entry of dismissal. *Id.* at 3.

Following the Report, Plaintiff filed a handwritten motion for leave to proceed *in forma pauperis*, without using the standard form and without attaching an inmate account data sheet. Docket No. 12. Plaintiff also filed a motion for a speedy trial saying that he is innocent of all crimes, although the validity of his criminal conviction is not at issue in the present case (Docket No. 12), and a wide-ranging motion to subpoena evidence couched in very broad and general terms (Docket No. 13).

On March 25, 2024, Plaintiff filed a document dated March 18, 2024, which he styles as a “motion for appeal of dismissal of case no. 5:23cv146.” Docket No. 15. Because the case has not yet been dismissed, the Court will construe the pleading as objections to the Magistrate Judge’s Report.<sup>1</sup>

In his objections, Plaintiff complains that his legal mail is taking too long to reach him, he cannot order stamps or envelopes, a mailroom official opened his mail and took one of his receipts, and he now believes he is missing the document dismissing his case (although, as noted above, the

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<sup>1</sup> The Court, however, notes it received an acknowledgement of receipt of the Report dated March 25, 2024, after Plaintiff filed objections to the Magistrate Judge’s recommendation of dismissal. Docket No. 16. As of the date of this order, the Court has received no further objections to the Report.

case had not yet been dismissed). Docket No. 15. He says that various unidentified TDCJ officials are cooperating to conceal crimes against him and continue his false imprisonment. *Id.* at 2. Plaintiff does not address his failure to comply with the Magistrate Judge's orders, particularly in light of the fact that he has been able to file other pleadings both before and after the Magistrate Judge's Report. *See generally, id.*

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. § 636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff's objections are without merit. It is accordingly

**ORDERED** that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (Docket No. 11) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

**ORDERED** that the statute of limitations is **SUSPENDED** for a period of sixty (60) days following the date of entry of final judgment.

**So ORDERED and SIGNED this 15th day of April, 2024.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE